

Message Text

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PAGE 01 OTTAWA 02254 172140Z

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ACTION EB-11

INFO OCT-01 EUR-25 ISO-00 CCO-00 CIAE-00 OTPE-00 FCC-03

INR-11 NSAE-00 OC-06 RSC-01 COME-00 DRC-01 L-03 /062 W

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R 172117Z JUL 74

FM AMEMBASSY OTTAWA

TO SECSTATE WASHDC 4006

UNCLAS OTTAWA 2254

E.O. 11652: N/A

TAGS: ETEL, CA

SUBJECT: TELECOMMUNICATIONS: CABLE TV--DELETION/SUBSTITUTION

REF: (A) OTTAWA 1149, (B) OTTAWA 1376, (C) OTTAWA 1422,
(D) OTTAWA 1683, (E) OTTAWA 2235

1. COURT ACTION RE DELETION/SUBSTITUTION HAS BEEN PROCEEDING TO DATE THROUGH PROCEDURAL STAGES. THERE ARE TWO SEPARATE CASES BROUGHT BY BUFFALO STATIONS: (I) ACTION FOR DAMAGES AGAINST ROGERS CABLE TV LTD. AND AGAINST ITS MAJOR SHAREHOLDER AND MANAGING DIRECTOR, EDWARD S. ROGERS (SEE REF. A); AND (II) AGAINST CANADIAN RADIO-TELEVISION COMMISSION (CRTC) FOR ITS APPROVAL ROGERS ACTION IN UNDERTAKING DELETION (SEE REF. C). NO SIGNIFICANT ACTION TO DATE HAS OCCURRED IN LATTER CASE.

2. HOWEVER, OTTAWA ATTORNEY FOR BUFFALO STATIONS ADVISED TCO JULY 17 THAT TRIAL DIVISION FEDERAL COURT HAS DENIED MOTION OF CRTC TO BE ADDED AS DEFENDANT IN CASE PENDING AGAINST ROGERS CABLE TV AND ROGERS PERSONALLY. COURT ALSO DENIED MOTION BY ROGERS TO BE STRICKEN OUT PERSONALLY AS DEFENDANT IN CASE. ARGUMENTS ON THESE MOTIONS WERE HELD LAST WEEK AND ATTORNEY CONSIDERS DECISIONS SIGNIFICANT VICTORIES FOR HIS CLIENTS.

3. HE ALSO SUGGESTED CRTC LIKELY APPEAL THESE DECISIONS TO APPELLATE DIVISION FEDERAL COURT, BUT
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PAGE 02 OTTAWA 02254 172140Z

HE DOES NOT EXPECT APPELLATE DIVISION WILL ACT TO

REVERSE TRIAL DIVISION. HE FURTHER SUGGESTED THAT, IF CRTC UNSUCCESSFUL THERE, ONLY WAY LEFT TO ATTAIN ITS OBJECTIVE OF DEFENDING ROGERS AS EXECUTOR OF PUBLIC POLICY WOULD BE TO SEEK PARTICIPATION BY GOC ATTORNEY GENERAL IN CASE. COURTS MIGHT APPROVE HIS PARTICIPATION, BUT DECISION OF ATTORNEY GENERAL TO ENTER CASE WOULD BE POLITICAL ONE WHICH WOULD IN HIS VIEW REQUIRE CABINET APPROVAL. THIS WOULD INVOLVE GOVERNMENT IN DEFENSE OF A POLICY FOR WHICH TO DATE IT HAS AVOIDED RESPONSIBILITY.

4. COPIES OF COURT DECISIONS AND OF BRIEFS FILED IN THIS CASE WILL BE FORWARDED TO DEPARTMENT (EB/TT, BLACK) AS SOON AS POSSIBLE.

JOHNSON

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Message Attributes

Automatic Decaptioning: X
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: ADVERTISING, POLICIES, LITIGATION, CABLE TELEVISION, TELEVISION BROADCASTING, LICENSES
Control Number: n/a
Copy: SINGLE
Draft Date: 17 JUL 1974
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: n/a
Disposition Approved on Date:
Disposition Authority: n/a
Disposition Case Number: n/a
Disposition Comment:
Disposition Date: 01 JAN 1960
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1974OTTAWA02254
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: N/A
Errors: N/A
Film Number: D740192-0951
From: OTTAWA
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1974/newtext/t19740741/aaaabjfp.tel
Line Count: 75
Locator: TEXT ON-LINE, ON MICROFILM
Office: ACTION EB
Original Classification: UNCLASSIFIED
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 2
Previous Channel Indicators: n/a
Previous Classification: n/a
Previous Handling Restrictions: n/a
Reference: (A) OTTAWA 1149, (B) OTTAWA 1376, (C,) OTTAWA 1422
Review Action: RELEASED, APPROVED
Review Authority: izenbei0
Review Comment: n/a
Review Content Flags:
Review Date: 29 OCT 2002
Review Event:
Review Exemptions: n/a
Review History: RELEASED <29 OCT 2002 by ThomasVJ>; APPROVED <17 JAN 2003 by izenbei0>
Review Markings:

Declassified/Released
US Department of State
EO Systematic Review
30 JUN 2005

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: TELECOMMUNICATIONS: CABLE TV--DELETION/SUBSTITUTION
TAGS: ETEL, CA, US, CRTC, ROGERS CABLE TV LTD
To: STATE
Type: TE
Markings: Declassified/Released US Department of State EO Systematic Review 30 JUN 2005